Supreme Court, U.S.
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OFFICE OF THE CLERK

No.

In The
SUPREME COURT OF THE UNITED STATES

IN RE MARY LYNN COLLARD,
Defendant-Relator.

(from **STATE OF TEXAS v. COLLARD**)

ON PETITION FOR WRIT OF MANDAMUS
TO THE MUNICIPAL COURT OF RECORD,
CITY OF RICHARDSON,
DALLAS COUNTY, TEXAS

ORIGINAL PETITION FOR WRIT OF MANDAMUS

MARY LYNN COLLARD
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Questions Presented for Mandamus

Threshold Jurisdiction

1. Is this the Court with authority to issue mandamus to this Municipal Court of Record and its officers?

Transcript Fee

2. Where 103 cases are consolidated for trial, is the Transcript fee the amount for *one* consolidated Transcript ($25) or *103* separate Transcripts ($2,575)?

Transcript for Bond Appeal

3. Is the Clerk already late producing the consolidated Transcript for Collard's Bond appeal?

Certificate for Appeal

4. When can Collard expect the trial court to file the certificate of right to appeal?

Parties

The mandamus sought is directed to the Municipal Court of Record, City of Richardson, Texas, and/or its Court Operations Manager, or Clerk, in the trial matter where the parties are as follows:

Case No. (there were 103 cases consolidated for trial)

STATE OF TEXAS

[via CITY OF RICHARDSON, TEXAS]
[PETE SMITH, with NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P., and JOE GORFIDA]

RAYMOND D. NOAH, judge presiding

HAL WILSON, Court Operations Manager

Kimberly (Kim) Kierce, Clerk

MARY LYNN COLLARD

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Citations to decisions below

None

Jurisdiction

(i) Date Judgment Was Entered

"Deferred adjudication"—2 March 2006 (for 101).

(1st) M/ New Trial (103)—filed 6 Mar., denied 20/21 Mar. (On Extension) M/ New Trial (103)—filed 20 Mar., denied 20 Mar. N/ Appeal—24 Mar.

"Final judgment"—2 Mar. (2), 20/21 Mar. (101).

M/ New Trial (103)—filed 20/24 Mar., denied 10 Apr. Ns/ Appeal (Final J/ & Bond)—10 Apr.

Mandamus—Filed 28 March. Denied 10 April.

Petitions filed simultaneously in the County Criminal Court of Appeals, the Court of Appeals and the Court of Criminal Appeals.

The County Criminal Court of Appeals noted lack of jurisdiction for mandamus on 11 April 2006.

The Court of Criminal Appeals denied leave to file oversized petition (19 pages, instead of 15) as of 19 April 2006 (WR-64,490-01).

The Court of Appeals dismissed mandamus for lack of jurisdiction as of 25 April 2006 (05-06-533-CV).

(ii) Extension: To 24 March on traffic cases (m/ new tr.)

(iii) Rule 12.5 N/A

(iv) Statutes, Jurisdiction

28 U.S.C. § 1651(a).

(v) Regarding notice of statutory challenge, Rule 29.4(b)

The statutory challenges will be asserted on appeal.

Non-Argument Calendar Preferred

Oral argument is not expected to aid in the resolution of these issues.

Text of Statutes—See Appendix

Statement of the Case

When Federal Questions Were Raised

Actual documentation was post-trial, which was the first time the trial court could no longer obstruct access.

Collard wasn't allowed access to the trial court until the day of trial, and even then she wasn't allowed any effective or meaningful defense until after the opinion of the administrative advisory panel was recorded. Thus, the federal questions arose the instant this one got started, and they were formally documented at the first instance the trial court could no longer obstruct Collard's access to it, i.e., in the post-judgment proceedings.

Removal did document certain issues pre-trial.

Reference to several federal questions was made at various times throughout the proceedings, in particular during the time of Removal to federal court (via Next Friend, given Collard's de facto incommunicado). [1]

The present mandamus issue

The fee issue.

All 103 matters were consolidated for trial. Collard tendered the $25 fee for the consolidated Transcript, but WILSON demanded $25 for each separate case number, i.e., $2,575. Confirmed as of 28 April, the Clerk is preparing a Transcript for only one case.

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[1] STATE v. COLLARD, No. 3:06-CV-317-M (N.D. Tex. Dal. Div.) (seal requested by Collard from the threshold). Served on the municipal court on 20 February, a federal court holiday. Filed in the federal court on 21 February. Remanded 28 February, which order is on appeal in the Fifth Circuit, No. 06-10358.

Also pending in the Fifth Circuit is STATE v. TELLO, No. 05-10914: is a case ***civil***, thus Removable, where STATE fails to establish its standing? In Tello, there's no "actual grievance." Here, there's no lawful **pleading**. Where STATE seeks to deprive property and liberty without even satisfying standing, thus subject matter jurisdiction, STATE raises a completely preemptive federal question. All 103 *non-cases* are ***civil***, because the trial court's "criminal case only" jurisdiction was ***never*** triggered, there being no competent **pleading**.

The Bond appeal issue.

Collard has appealed the Bond. It's an accelerated appeal. TEX. R. APP. P. 31. There is no cost for the Transcript, which is already late. [2] But, WILSON has no intention of preparing the consolidated Transcript.

Richardson's Mission Statement: Show those "Republic of Texas" morons who's boss

The most ironic feature in this entire fiasco?

The Collards are not even associated with "Republic of Texas," whoever they are! Apparently, the Collard's responses to the documents mailed to them activated some processes somehow attributed to that outfit.

Richardson's *executive* abuses—the two-year campaign of politically-motivated selective enforcement

Five generic concerns, but 101 tickets.

Richardson started writing up citations in January, 2004. For five areas of concern, Richardson wrote 101 tickets over a two-year period. To Collard's knowledge, there's only one case in the history of Richardson that even comes close to this level of selective enforcement.

Fixed income dilemma.

The Collards are both 66, and given certain health issues, they have found themselves on a fixed income existence. She works at Wal-Mart, whose patience in this matter has been greatly appreciated.

Richardson opted for the Power-play.

Richardson has all kinds of options available to them to address "housing code" issues, including utilizing the "community service" option on "deferred adjudication" matters pending before this very trial court. However, rather than actually trying to *solve* the problem, Richardson opted for the power play, especially against

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[2] The clerk must send the clerk's record and the court reporter must send the reporter's record to the appellate court within 15 days after the notice of appeal is filed (matures, takes effect). TEX. R. APP. P. 31.1.

those they think are associated with this so-called "Republic of Texas" outfit. Upon reflection, Richardson will realize that ***they*** are the very fuel of the fire that forges such groups, found today in several states, including Arizona, Nevada, New Mexico, North Carolina, Oregon, Vermont and Washington. Obviously, given two years of no enforcement, but only of running up a tab, the Richardson officials really couldn't care less about the "housing code." They seek only to oppress those who assert a political perspective uncomfortable to them, and, here, they used the "housing code" as a means by which to abuse the Collards, so as to "send a message" to the "Republic of Texas," whoever they are.

The news coverage.

The matter is so outrageous that even KXAS, a Fort Worth/Dallas TV station, aired a couple of stories on it, and the Dallas Morning News wrote a couple of articles on it, which reports outraged even ***more*** North Texans.

Richardson's *legislative* abuses

Can "housing code" violations even *be* "criminal?"

On 13 February 2006, Collard, a retired public school teacher, [3] was stopped for two alleged traffic violations. But, she was arrested on the 101 "housing code" arrest warrants. Looming quite largely is the question of whether a "housing code" violation can even ***be*** "criminal."

It seems that residents of Richardson are, by simply owning property there, "members" of their respective homeowners associations. Thus, "housing code" matters are contractual, rendering ***criminal*** enforcement all the more egregious. *Cf. Arnold; Jannuzzio.*

Exclusion of entire class—the inhabitants.

The charter looks to the inhabitants of the geographic area, but it then turns right around and excludes that entire class, requiring residence in this state as a condition precedent not only to holding office, but also to

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[3] No, she does not have teacher retirement.

Suffrage, itself. *Cf.* Muni. Code, City of Richardson, § 1.01 (inhabitants) *with* § 4.04 (officers, voters, residents).

Richardson's *judicial* abuses

There simply is no such thing as a "complaint only" criminal case.

Richardson swung and missed 103 times. In a real court, there'd be ***two*** documents initiating a misdemeanor case: a "complaint" and an **Information**, i.e., a **pleading**. *See* Arts. 2.04, 21.20, 21.21, 21.22, 27.01 and 45.201.

There's a very good reason why ***two*** documents are required. STATE cannot even initiate a *civil* case, much less a ***criminal*** one, without authorized signature. *See Rowland*, 506 U.S. at 201-03 (artificial entities ***must*** have counsel in order to appear in federal courts). It's the same law in Texas. *See* TEX. R. CIV. P. 7 (representation, generally); *Kuntoplast of Am., Inc.* (corporations must be represented by licensed counsel in Texas courts); *Computize, Inc.*, 992 S.W.2d at 612 (corporation's summary judgment response in Texas court must be made through licensed counsel); *Moore*, 874 S.W.2d at 327 (corporations must be represented by licensed counsel in Texas courts); *Dell Dev. Corp.*, 743 S.W.2d at 303 (same); *Globe Leasing, Inc.*, 437 S.W.2d at 45-46 (same).

From the outset, the trial court never had jurisdiction.

At the heart of the jurisdictional problem—The McDade Act "in reverse" at the state level

The McDade Act, 28 U.S.C. § 530B, intended to *add restrictions* to the practice of law in the federal courts. While the threshold "admissions" issue *is* an ethics matter, it's also a judicial decision, not a legislative one. Thus, the McDade Act is valid; it just doesn't apply to that *threshold* ethics question, due to Separation of Powers.

What the Texas statutes, Arts. 2.05 and 45.019, and GOV'T CODE § 30.00049, in particular, purport to do is *completely remove all restrictions* on who may represent one particular artificial entity: STATE. A "complaint only" case is all the more alarming because it purports to

apply in the criminal prosecution context. Thus, STATE's legislature purports to invade the province of STATE's judiciary and "admit" anyone off the street to act not only as licensed counsel, but also as staff of an elected prosecutor to represent STATE for purposes of filing the initial criminal **pleading**. Per these offensive statutes, not only may anyone off the street sign the initial criminal **pleading**, by and under STATE's authority, but also he may be both a material witness *and* the attorney of Record, which dual role violates both STATE's and the ABA's ethics Rules. *See* ABA Rule 3.7; TEX. DISCIPLINARY R. PROF'L CONDUCT 3.08.

Incarcerated to guarantee appearance for a trial over which the trial court never had jurisdiction.

Collard was held incarcerated for 17 days to guarantee her appearance for a trial, set for 1 March, over which the municipal court of record never had jurisdiction, and then the 18th day to guarantee her appearance for sentencing. [4] The trial court did offer her the opportunity to sign an agreement that she'd appear, but there are so many other "waivers" built into those agreements that she declined. Why should she have to *agree* to be released when the incarceration was never justified in the first place?

No Notice.

In addition to filing no competent **pleading**, STATE failed to serve Notice of any **pleading** at least one day prior to "any proceeding." On 14 February, the day after the arrest, the court held the "arraignment," which is a "proceeding" for purposes of Art. 45.018(b). Thus, STATE had to serve Notice on or before the 13th, i.e., the day of the arrest. The first documents coming anywhere near giving Notice weren't served until the 20th, and the "complaints" weren't served until the day of trial, 1 March. No **pleading** was ever filed ***or*** served.

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[4] At sentencing, when Collard asserted her right to allocution, the court asked, What's that?

No access to the Record.

On Friday, 17 February, Collard, via an agent, asked for a copy of the Record. The Clerk informed the agent that it'd take a while to get it all together, but that they'd get started on it. (Verification, Notice of Removal).

On Monday, 20 February, Collard, via another agent, asked about the Record, and learned that there'd be no copies made without prior approval of STATE's AG's Office. (Verification, Notice of Removal). Thus, the defendant in the case had no access to the public Record. The letter requesting disclosure was *mailed* to Austin on the 27th (but it was *faxed* to one of the cc: recipients).

It was on the day of trial, 1 March, that Collard received a copy of each of the "complaints."

Removal to federal court, and Remand.

On Monday and Tuesday, 20 and 21 February, in an effort to prevent as many problems as might still be prevented, Collard removed the *civil, non-cases* to federal court, via Next Friend. However, the federal court didn't allow Collard time to produce the state court Record. By silence, the federal court overruled Collard's Motion for Contempt for the state court's refusal to produce the Record for purposes of Removal. The Remand came back on the 28th, suggesting that because the state court was a municipal court of record, it was a foregone, irrebutably presumed conclusion that the matter was criminal, and therefore not subject to Removal, despite the fact that the Notice of Removal is verified.

No access to the court—*Boddie* in berserk extreme.

Exemplary of the complete denial of access to the trial court, Collard can't read without her glasses, and the trial court never allowed her to have them, until trial. The ADA violations are but the tip of the iceberg.

Because Collard didn't have her glasses, there was no point in even trying to get documents to her for signature. But, that would have proved fruitless, anyway. She was allowed no documents, and no pen, besides.

Then, as the trial day arrived, Collard's husband had prepared for her a trial notebook, with information about voir dire, pre-trial motions, cross-examination, her evidence, and the like. When a person active in City of Richardson activities tried to deliver the trial notebook to Collard, the prosecutor immediately objected, saying that both he and the judge would have to review the entirety of the trial notebook before it could be delivered to Collard. The horrific, conscience-shocking violation of *Hickman v. Taylor* was never consented to, and even a second effort to get Collard her trial notebook failed, via judicial intervention and reproval.

Thus, Collard was completely denied ***all*** pre-trial activities, including discovery, via complete denial of access to the court, and then denied ***all*** meaningful opportunity to be heard, via complete denial of access to her trial notebook. Trial preparation came solely via the collect phone calls to her husband, at up to $4 a minute. [5] And, all this for a trial over which the trial court never had jurisdiction in the first place.

"Deferred adjudication."

For the 101 "housing code" tickets, the sentence was "deferred adjudication." [6] Essentially, fix the problems in 30 days, and the matter will be considered closed. There is one "deferred adjudication" order, not 101.

The appeal of the "deferred adjudication."

"Deferred adjudication" is appealable. *Dillehey*, 815 S.W.2d at 626. And, the first step in the appellate process is the Motion for New Trial. GOV'T CODE § 30.00014(c).

Collard filed her (first) Motion for New Trial on 6 March. The court set it for hearing on the 14th. At that hearing, the trial judge threatened to violate Collard, telling her that if she wants to appeal, he'd revoke her

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[5] The phone bill was several thousand dollars.

[6] "Deferred disposition" is technically more accurate. There *is* an advisory panel verdict. The traffic cases where handled separately.

"deferred adjudication" enter a "final judgment." Being shocked by the threats, Collard didn't press the issue, but soon thereafter demanded a ruling on her motion. In each circumstance, Collard filed one motion, not 103.

Revocation—without violation, evidence or motion.

The trial court revoked the "deferred adjudication," just like he threatened he would. He revoked it because Collard asserted her right to appeal, per the statutorily required process. Apparently, word that "deferred adjudication" was appealable, new as of 1991, hadn't made it all the way to Richardson, yet. There was no violation of the "deferred adjudication," no evidence, no motion, no hearing. Just revocation, via one order, not 103, which produced the *next* basis for appeal.

"Final judgment."

Thus, as of 20/21 March, "deferred adjudication" was revoked and one "final judgment" was entered, not 103.

The appeal of the "final judgment" and Bond.

As of 24 March, Collard filed her next Motion for New Trial, along with several other documents, including purposefully premature Notices of Appeal for the new motion, and the timely Notice of Appeal for the motion overruled. [7] In each case, one document was filed, not 103.

The Transcript Fee

One Transcript or 103 Transcripts?

This is when the Transcript fee issue arose. All bases for appeal, namely "deferred adjudication," "final judgment" and Bond, arise from the consolidated trial. Everything about these 103 cases was consolidated for trial. For example, there was one trial and one advisory panel, not 103 trials and 103 advisory panels. And, in the post-trial activities, Collard has filed motions for a consolidated case, not 103 motions for 103 separate cases. But HAL WILSON, Court Operations Manager, is

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[7] They may be mutually exclusive provisions, but denial of the motion isn't necessarily the last word. *See* GOV'T CODE §§ 30.00020-30.00022.

demanding $2,575 for preparation of the consolidated Transcript, and he has the full support of the trial judge.

Mandamus on the issue.

On 28 March, Collard filed her mandamus in the trial court, and not long thereafter, she filed petitions in the County Criminal Court of Appeals, the Court of Appeals, and the Court of Criminal Appeals, simultaneously. The trial court denied mandamus, and each appellate court declined to entertain the mandamus. The first two courts here listed specifically noted lack of jurisdiction. By reasonable extrapolation, one learns that there is yet another chapter of *Powell v. Texas* to write, for there is no court in Texas that has mandamus authority over this municipal court of record.

The Transcript for the Bond appeal

Final ruling finally entered.

Signed on 3 April, but not filed until 10 April, is the order overruling the motion for new trial regarding the "final judgment," which, among other things, also overrules the petition for mandamus.

Clerk has already missed accelerated appeal deadline.

Transcripts for the Bond appeal have no cost. [8] And they have a 15-day deadline. TEX. R. APP. P. 31.1. Since the Notice of Appeal was already filed, the Bond appeal matured as of the entering of the order overruling the Motion for New Trial, i.e., 10 April. Thus, the deadline for the Transcript was 25 April, which date has come and gone without the consolidated, or any, Transcript.

WILSON's current intent is not to comply.

Confirmed as of Friday, 28 April, the Clerk's Office is preparing a Transcript for only one case.

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[8] Technically, there's no cost for the Statement of Facts, either, which also is now late. The court reporter is not a participant in the abuse here, and financial arrangements have been made to get the Statement of Facts transcribed. Perhaps, with some supervisory encouragement, WILSON can have the consolidated Transcript ready by the time the Statement of Facts is ready.

Argument

Remedy Requested

Grant the mandamus.

If the consolidated Transcript isn't ready by the time the Statement of Facts is, order WILSON, or the Clerk's Office, generally, to explain the delay.

File the certificate; approve Bond.

The trial court has gone silent on both Bond approval and the certificate of right to appeal. If these aren't acted upon timely, order the trial judge to explain himself.

Summary

This Court have mandamus jurisdiction. No court in Texas has mandamus jurisdiction over this municipal court of record. There is no adequate remedy at law. Without the consolidated Transcript, the appeals of the "deferred adjudication" and of the "final judgment" are rather pointless. The Transcript fee is paid. The Bond appeal requires no fee, and the Transcript is already late for that accelerated process. The federal questions raised come within this Court's appellate jurisdiction.

Threshold Jurisdiction

1. Is this the Court with authority to issue mandamus to this Municipal Court of Record and its officers?

Revisiting *Powell v. Texas*.

Quite literally, Texas has one of the most complex judicial systems in the world. In *Powell*, appeal didn't exist in any state appellate court. Here, mandamus authority also doesn't exist in any state appellate court.

Process of elimination—the statutory side.

COUNTY CRIMINAL COURT OF APPEALS—NO AUTHORITY TO ISSUE MANDAMUS.

Two courts overtly noted lack of jurisdiction: the Dallas County Criminal Court of Appeals, and the Court

of Appeals. The former may or may not have appellate jurisdiction, but its mandamus authority is specifically, unbelievably and intentionally gutted. GOV'T CODE § 25.0594(n) (specifically negating § 25.0003(a) and (c)).

COURT OF APPEALS—NO APPELLATE JURISDICTION OVER MUNICIPAL COURTS.

The latter has no appellate authority over a municipal court of record to protect. GOV'T CODE § 22.221(a), (b).

COURT OF CRIMINAL APPEALS—NO "CRIMINAL CASE" JURISDICTION TO PROTECT.

The Court of Criminal Appeals denied leave to file the 19-page petition. This doesn't overtly assert lack of jurisdiction, but to read GOV'T CODE § 21.001(a) in light of both (A) the context of the Texas Constitution and (B) the "criminal case" limitation, *id.* at §§ 21.001(a) and 22.001(a), it follows that where there is no "criminal case," due to no lawful **pleading**, the Court of Criminal Appeals have no "criminal case" jurisdiction to protect.

SUPREME COURT OF TEXAS—NO APPELLATE JURISDICTION OVER MUNICIPAL COURTS.

The Supreme Court of Texas have the very same limitation expressed by the Court of Appeals. Neither court have direct jurisdiction over municipal courts. GOV'T CODE §§ 22.001(a), 22.002(a).

DISTRICT COURTS—NO APPELLATE AUTHORITY TO PROTECT.

With that context in mind, we analyze the jurisdiction of the only courts remaining: the county and district courts, both civil and criminal. The district courts instantly fall into the same category as the Court of Appeals and the Supreme Court of Texas—appeal to a district court from a municipal court of record is not even contemplated. GOV'T CODE §§ 30.00002(1), 30.00014(a).

COUNTY COURTS AT LAW—NO APPELLATE AUTHORITY TO PROTECT.

That leaves the county courts at law and the county

criminal courts. By § 30.00014(a), the generic plan allows for appeal to the county criminal courts if they exist, which they do. GOV'T CODE § 25.0591(b). This eliminates the county courts at law. GOV'T CODE § 30.00002(1)(B).

COUNTY CRIMINAL COURTS—NO APPELLATE AUTHORITY TO PROTECT

That leaves the county criminal courts. On the one hand, these courts are specifically recognized as possible appellate courts, generally. GOV'T CODE § 30.00002(1)(A). But, the simplest approach for eliminating these courts from consideration starts with GOV'T CODE § 25.0594(a), which specifically restricts the appellate jurisdiction of all other county courts in Dallas County. By this provision, the sole appellate court for this municipal court of record is the Dallas County Criminal Court of Appeals. As mentioned, *supra*, that appellate court may or may not have appellate jurisdiction, but even if it does, by stroke of "genius" it's been gutted of any mandamus authority.

Another way to arrive at the same conclusion, namely that no county criminal court has mandamus jurisdiction, looks to the Municipal Code of Richardson and the structure of GOV'T CODE Chapter 30. In general, where the county criminal court has no appellate authority to protect, it has no mandamus authority. In short, "exclusive jurisdiction" for appeals in the county criminal court of appeals is confirmed in another way. [9]

Starting with § 2-189(a) of Richardson's Municipal Code, we read, in part, "The County Criminal Courts of Appeal of Dallas County have jurisdiction of appeals from the municipal court of record." This doesn't say "*exclusive* jurisdiction," but it suggests it. And, when we read it in conjunction with GOV'T CODE § 25.0594(a), it's reasonable to read § 2-189(a) to mean "*exclusive* jurisdiction."

By this next approach, we find a prospective challenge to the concept of "exclusive jurisdiction." Looking to

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[9] Math teachers always encourage students to check their answers.

§ 2-180(a), the authority for this particular municipal court of record is a specific subchapter, KK, of the GOV'T CODE, which subchapter necessarily derives its context from the relevant provisions of the GOV'T CODE. Starting with Subchapter B, of Chapter 30, the GOV'T CODE specifically lists each affected municipality, and in that very first section, typically, defines "appellate court." The county criminal courts ***are*** defined specifically as "the" appellate courts for several municipalities, including Irving (Dallas), Kennedale (Tarrant), Mansfield (Tarrant), Fort Worth (Tarrant), Grand Prairie (Dallas), Crowley (Tarrant), Pantego (Tarrant), River Oaks (Tarrant), Houston (Harris), Dallas (Dallas), Arlington (Tarrant), Garland (Dallas), Addison (Dallas), Grapevine (Tarrant), Hurst (Tarrant), Carrollton (Dallas), White Settlement (Tarrant), Euless (Tarrant), Lake Worth (Tarrant), Rowlett (Dallas), Dalworthington Gardens (Tarrant), **Richardson (Dallas)**, Coppell (Dallas), and Sansom Park (Tarrant). But, how reliable is that designation?

Of the three counties identified, neither Harris nor Tarrant County has a county criminal court of appeals, so the language is fully reliable for these two counties.

Irving's Municipal Code establishes municipal courts of record, but it appears to be silent about the appellate process. [10] Same with Grand Prairie, [11] Garland, Carrollton and Rowlett. [12]

Dallas discusses the appellate procedure, but identifies the county criminal court, "or other court to which an appeal may be made." Muni. Code, City of Dallas, § 13-18(a) (Code 1941, Art. 28-3; Ord. Nos. 8215; 19802; 24946). Addison identifies "[t]he county criminal courts or county criminal courts of appeal of Dallas

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[10] In Muni. Code, City of Irving, art. IV, § 28, appeal *is* mentioned. The problem is that this refers to the "municipal court," which can't co-exist with the "municipal court of record." GOV'T CODE § 30.00003(e).

[11] Muni. Code, City of Grand Prairie, art. IV, § 28 (municipal court).

[12] Muni. Code, City of Rowlett, art. II, § 2.03(6) (municipal court).

County" as having appellate jurisdiction. Muni. Code, City of Addison, § 26-46(a) (Ord. No. 099-031, § 1(2-216), 9-14-99). This at least questions the reliability.

But, Coppell, like Richardson, specifically identifies the Dallas County Criminal Court of Appeals as the court to which an appeal is taken from the municipal court of record. Muni. Code, City of Coppell, art. 5-1, § 5-1-10(A) (Ord. No. 99886, § 1, 8-24-99; Ord. No. 2005-1116, § 1, 12-13-05). This fully challenges the GOV'T CODE language found in the subchapters relevant to those municipalities. Thus, to the extent that the particular city ordinance is relevant and applicable, both Coppell and Richardson specifically designate the county criminal court of appeals as "the" court having appellate authority.

To close this loop another way, couple these municipal ordinances with the specific language for Dallas County, GOV'T CODE § 25.0594(a), and the concept of "exclusive jurisdiction" in the Dallas County Criminal Court of Appeals for appeals from municipal courts of record in Dallas County is made self-consistent. Therefore, the legislative policy in Dallas County, via both the GOV'T CODE and at least two municipal codes, is that no county criminal court has appellate jurisdiction, thus no such jurisdiction to protect, thus no mandamus authority.

Process of elimination—judicial construction.

COUNTY COURT, MANDAMUS AND JUSTICE COURT.

Mandamus by county courts to justice courts has "always" existed. *See Fry v. McDuffey*. "This power enables the county court to enforce and protect its jurisdiction by removing impediments to appeals created by the lowers courts." *Lozano*, 659 S.W.2d at 921. But, in Dallas County, even justice court matters are appealable only to the county criminal courts of appeals. GOV'T CODE § 25.0594(a).

DISTRICT COURT AND MANDAMUS.

As with county courts, the policy with the district courts is that mandamus exists, ***if*** it protects the court's

appellate jurisdiction. *See In re Nolo Press*, 991 S.W.2d at 775-76; [13] *AT&T Consultants, Inc.*; *Martinez.*

COURT OF APPEALS, MANDAMUS AND JUSTICE COURT.

Justice courts, like municipal courts, are not listed in GOV'T CODE § 22.221(b). Thus, the Court of Appeals have no mandamus authority, here. *Cf. Casner.*

SUPREME COURT OF TEXAS AND MANDAMUS.

For the same reason that the Court of Appeals have no mandamus authority, the Supreme Court of Texas have no mandamus authority. Municipal courts (of record) are simply not on the list. GOV'T CODE § 22.002(a). *Cf. Chenault*, 914 S.W.2d at 141; *Merritt.*

Quod Erat Demonstrandum

"When you have eliminated the impossible, whatever remains, however improbable, must be the truth." SIR ARTHUR CONAN DOYLE, THE SIGN OF FOUR (1890) (ch. 6). As inconceivable as it is, there is no state court with mandamus authority over this municipal court of record.

Transcript Fee

2. Where 103 cases are consolidated for trial, is the Transcript fee the amount for one consolidated Transcript ($25) or 103 separate Transcripts ($2,575)?

Consolidation is fully within the discretion of the judge. *See* TEX. R. CIV. P. 174. *See also Owens-Corning Fiberglas*; TEX. PENAL CODE ANN. ch. 3, generally.

This matter, as consolidated, was long since submitted to the administrative advisory panel by the time this issue of the Transcript fee came up.

Which court officer, if any, has authority to overrule the trial judge's decision to consolidate?

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[13] Noting ENOCH, J.'s, concurrence, the Court's majority discussion is quite helpful for the study of the present case.

Transcript for Bond Appeal

3. Is the Clerk already late producing the consolidated Transcript for Collard's Bond appeal?

The generic 60-day deadline.

Per Muni. Code, City of Richardson, § 2-193, Collard has 60 days from the date the Notice of Appeal "is filed" to have the Transcript and Statement of Facts prepared and filed with the trial court. The concept of "filing" depends, in part, on the entry of the order overruling the motion for new trial. Thus, for the "deferred adjudication" appeal, the Notice of Appeal was filed on 24 March, making 23 May the deadline for filing the Transcript. And, for the "final judgment," since the Notice of Appeal was filed prematurely, it was technically "filed" right after entry of the order denying the motion for new trial, thus on 10 April. That deadline is 9 June, but to wait until then is to risk mooting the "deferred adjudication" appeal.

The accelerated 15-day deadline.

Per TEX. R. APP. P. 31.1, the clerk has 15 days to prepare the Transcript for the Bond appeal. Using the same basis for determining the deadline, we start with 10 April, for that's the date of entry of the denial of the motion for new trial regarding Bond. Again, since the Notice of Appeal was filed early, in full anticipation of the need to do so, it was "filed" on the 10th. The deadline, then, for the Transcript for the Bond appeal was 25 April, which has already come and gone.

Extension may be fully in order.

If appropriate, under circumstances satisfactory to this Court, if the Clerk needs an extension, such should be afforded. *Id.*

Certificate for Appeal

4. When can Collard expect the trial court to file the certificate of right to appeal?

Appeals without certificates are dismissed.
See TEX. R. APP. P. 25.2(a)(2), (d).
The appellate court can cure.
See TEX. RS. APP. P. 25.2(d), 34.5(c)(2).

Conclusion

No authorized signature?—No pleading.

There simply is no such thing as a "complaint only" criminal case. STATE cannot appear in *any* court except through authorized counsel. No legislation may invade the province of the judiciary and *remove all restrictions* on the threshold issue of "admission" to practice law in this state. And, even authorized counsel for STATE may not be a material witness *and* attorney of Record in the same case. A "complaint" documents ***evidence***, while the Information is the **pleading**. "Complaints" are signed by witnesses; Informations, by prosecuting attorneys.

No "complaint" is a competent "criminal" **pleading**.

STATE has the threshold burden to satisfy standing.

In general, STATE always carries the burden to prove its standing. And, where STATE purports to have standing in "criminal case only" forum, STATE's burden increases; it doesn't decrease.

Federal questions.

The federal questions arose the instant this one got started and include issues of violation of the ADA, *Boddie*, Due Process, generally, Equal Protection, generally, and the validity of several state statutes, which then also raises an issue of Separation of Powers.

This is the only Court with mandamus authority.

Having eliminated all state courts from consideration, if there's going to be mandamus relief, this Court are the Court with that authority.

The Transcript fee is paid.

Since Collard tendered the required fee, she's entitled to have the consolidated Transcript prepared even without the additional procedural compulsion supplied by TEX. R. APP. P. 31.1.

The Transcript for the Bond appeal is already late.

Further, the deadline was 25 April, and as of the 28th, the Clerk's Office was still saying that they were going to prepare a Transcript for one and only one case.

Remedies Requested

Collard requests

1. That this Court supply supervisory guidance, and if appropriate, grant an extension to allow compliance, or, if necessary, issue the writ of mandamus;
2. That this Court either supply supervisory guidance, or, if necessary, cure the Record and enter the certificate of right to appeal;
3. As much discussion on the issues presented and necessarily included as this case may allow;
4. The opportunity to brief any additional issues the Court may identify;
5. The non-argument calendar. Oral argument is not expected to aid in the resolution of these issues;
6. That costs be taxed to STATE; and
7. Any and all other relief at law, in equity or sui generis to which she may show herself justly entitled.

Respectfully submitted,

Mary Lynn Collard
Without prejudice

1615 University Drive
Richardson, Texas [75081]

Verification

Per 28 U.S.C. § 1746(1), territorial to Texas, and under the laws of perjury defined by the United States of America, I, Mary Lynn Collard, depose and declare (or certify, verify or state), that I am at least 21 years of age, that I am competent to make this Affidavit, that I have personal knowledge of these facts, and that these facts are true and correct.

The facts stated in this Petition for Writ of Mandamus are true and correct.

Further, Declarant sayeth not.

Executed on this the _____ of May, A.D. 2006

_____

Mary Lynn Collard, Declarant

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Municipal Court

Mandamus (most recent ruling)

FILED
APR 10 2006
Municipal Court [1]
City of Richardson, Texas
By /s/ Kim Kierce Court Clerk [2]

Seal of
Municipal Court [1]
Richardson, Texas

THE STATE OF TEXAS	§	IN THE MUNICIPAL COURT [1]
VS.	§	FOR THE CITY OF RICHARDSON
MARY LYNN COLLARD	§	DALLAS COUNTY, TEXAS

COURT FINDINGS and RULINGS

On this the 3rd day of April, 2006, the Court reviewed the facts and documents filed in the above referenced matter [3] and finds the following:

1. Defendant was found guilty by Jury on a total of 103 violations (101 City Ordinance violations and 2 traffic

---

[1] "Municipal courts" and "municipal courts of record" cannot co-exist. GOV'T CODE § 30.00003(e).

[2] As is customary with this court, both the filestamp and the seal are at the bottom of the page. The filestamp is "over" the "ENTERED" line, at the left. The seal is at the bottom right.

[3] Singular, i.e., confirming, one more time, the consolidation.

violations). (See Attachment A)[4]

2. Defendant was placed on Deferred Disposition for the 101 City Ordinance matters for 30 days to bring the property up to code, [5] allowed Driving Safety Course for one traffic matter and imposed final judgment on the other traffic matter. [6]

3. Defendant stated in open Court the intent to appeal the 101 Judgments for the City Ordinance violations and 2 Judgments for the traffic violations.

4. Defendant is aware of the statute(s) and is filing pleadings on her own behalf.

5. Defendant filed "Collard's Demand for a Ruling" and the Court granted said request by entering and imposing Judgment in all 103 cases. [7]

6. On March 20, 2006, "Collard's Demand for a Ruling" was granted and Judgment was entered on all matters (101 +2). [8]

7. Defendant filed "Collard's Motion for New Trial and Motions to Dismiss" and all Motions have been denied. [9]

8. On March 20, 2006, "Collard's Motion for New Trial and Motions to Dismiss" was denied. [10]

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[4] Attachment A, as of 10 April 2006, is different from Attachment A, as of 2 March. Not included in Attachment A as of 2 March are both traffic cases and one of the Storage cases, N103079B (case list no. 78).

[5] By order of 2 March.

[6] The traffic cases were handled separately.

[7] Collard sees a manifest distinction between a ruling on a motion for new trial and law-defying revocation of "deferred adjudication." It is certainly possible to accomplish the first ***without*** doing the second.

[8] There are actually three rulings, one on the 20th, and two on the 21st.

[9] Not before this order they weren't. Some were filed on 24 March.

[10] That (first) motion addressed the "deferred adjudication." Given the extension, the (clarifying) motion was filed 20 March. The subsequent motion for new trial, filed 24 March, is conveniently not identified

9. Defendant has filed Notice to Appeal documents.

10. Defendant has not filed Appeal Bonds. [11]

11. The Court found that the Defendant is not an indigent person.

12. Defendant has paid only one $25 transcript fee [12] to appeal the Judgment entered in cause number N101355A.

13. Defendant has not paid a transcript fee to appeal any of the remaining 102 Judgments. [12]

14. Defendant filed Collard's Petition for Mandamus Regarding The Transcipt [13] Fee" and that request is denied and the clerk is not to accept the one $25 transcript fee paid in N101355A as payment for all 103 eases. The statute requires a payment of $25 for each case (Judgment) separately. [14] The cost for the production of the trial proceeding is a separate matter and cost to be addressed by the Defendant directly with the Court's Reporter and said contact information for the Court's Reporter has been provided to the Defendant. [15]

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here, and it specifically addresses the "final judgment" and Bond issues raised by the 20/21 March orders.

[11] *Cf.* GOV'T CODE § 30.00015 (Appeal Bond). Condition precedent: municipal courts (of record) deal with "fine only" "criminal" matters. Thus, the existence of the appeal presumes the existence of a judgment of some "amount." Thus, appeal Bond is not even an issue until an amount is ordered due. And, with "deferred," there is no amount due. Thus, there is no Bond amount due under the "deferred adjudication." The first time an amount was ordered due was 20 March. ***This is*** the order that denies the motion for new trial regarding "final judgment," thus, Bond wasn't even an issue until ***this*** order, which wasn't even entered until a week after it was signed. Thus, Collard had "10 days" ***after*** entry of ***this*** order to file the Bond. She presented two versions, Personal Recognizance and $20,686; neither has been approved, yet.

[12] One of the contested issues.

[13] As such in the original.

[14] Where? And, not so for Bond appeal.

[15] Except for Bond appeal.

15. On April 3, 2006 request for Mandamus was Denied.

16. Defendant's time for perfecting an appeal has expired. [16]

17. Defendant was advised that all remaining 102 Judgments are due and payable.

18. Defendant was reminded of the Court's offer to consider, upon Defendant's request, Time Served for time spent in the Richardson Jail and/or Community Service for time spent working on the property located at 1615 University Dr, Richardson, Texas to bring said property into compliance with the Ordinances of the City of Richardson.

19. Cause number N101355A will be processed for appeal accordingly by statute as the transcript fee has been paid; however, no appeal bond had been posted. [17]

20. Defendant had no further mailers or requests to be presented or considered by this Court; therefore this proceeding is concluded.

ENTERED *Apr 3, 2006*

/s/ R D Noah
Judge Presiding, Municipal Court
City of Richardson, Dallas County, Texas

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[16] Indicative of the entire matter. The time line is described in the Petition. Specifically, "deferred adjudication" was unlawfully revoked, and "final judgment' was entered, 20/21 March. ***This*** is the first order that rules on Collard's motion for new trial regarding ***that*** "judgment." So, as of 10 April, a week ***after*** **this** order was signed, Collard's appellate timetable hadn't even started good, yet!

[17] But, didn't he ***just*** get finished saying that the deadline for appeal had been missed? *See* ¶ 16.

"Deferred Adjudication"

FILED
MAR 0 2 2006
Municipal Court
City of Richardson, Texas
By /s/_____ Court Clerk

Seal of
Municipal Court
Richardson, Texas

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF RICHARDSON
MARY LYNN COLLARD DEFENDANT	§	DALLAS COUNTY, TEXAS

On this the 2nd of MARCH, 2006, the Court hereby defers sentencing of the GUILTY verdict rendered by JURY on March 1, 2006 against the above named Defendant charged with the City Ordinance Violations at **1615 University Drive Richardson, Texas** (See Attachment A). [18] The punishment is assessed at $200 per violation (grand total $20,200.00).

However, under the authority of Art. 45.051, C.C.P., the Court orders that the imposition of judgment be deferred as set forth below.

DEFERRAL PERIOD: **MARCH 2, 2006** through **APRIL 3, 2006.**

ORDER and CONDITIONS OF DEFERRED DISPOSITION

☒ 1. Defendant shall be released from the custody of the Richardson Police Department;

☒ 2. Defendant shall, in accordance with the Ordinances

[18] This is the 100-case Attachment A, not the 103-case Attachment A.

of the City of Richardson, correct the violation of **Failure to Maintain Building - Exterior Protective Coating** at the property listed above no later than **April 2, 2006**;

☒ 3. Defendant shall, in accordance with the Ordinances of the City of Richardson, correct the violation of **Failure to Maintain Building - Wood Exterior** at the property listed above no later than **April 2, 2006**;

☒ 4. Defendant shall, in accordance with the Ordinances of the City of Richardson, correct the violation of **Open Storage** at the property listed above no later than **April 2, 2006**;

☒ 5. Defendant shall, in accordance with the Ordinances of the City of Richardson, correct the violation of **Failure to Maintain Fence** at the property listed above no later than **April 2, 2006**;

☒ 6. Defendant shall, in accordance with the Ordinances of the City of Richardson, correct the violation of **Fence Construction Without a Permit** at the property listed above no later than **April 2, 2006**;

☒ 7. Defendant shall appear in the Richardson Municipal Court located at 2100 East Campbell Road on **Monday, APRIL 3, 2006 at 8:00 AM** for an update on compliance with the requirements of this Order and review of the remaining court costs, fines and fees due in this matter.

☒ 8. Defendant property listed above shall be inspected by a representative of the City of Richardson Neighborhood Integrity Department for review and evaluation of compliance with the Ordinances of the City of Richardson and said representative shall appear at the hearing listed above to report on the compliance status of said property;

FAILURE TO COMPLY with the conditions of this Order will result in imposition of JUDGMENT and CONVICTION in the amount of $200 per violation listed on the back of this document and the offense will be reported as required by law.

By my signature below, it is hereby ORDERED this the 2nd day of MARCH 2006.

/s/ R D Noah
Presiding Judge, Richardson Municipal Court

A true and correct copy of this Order was served upon the Defendant by Richardson Police Department Detention Supervisor hand delivery on this the 2nd day of MARCH, 2006.

/s/ Kim D Kierce
Court Clerk, Richardson Municipal Court

Richardson Municipal Court P.O. Box 830978 Richardson, TX 75083-0978 phone: (972) 744-4500 fax: (972) 744-5800

Extension Agreement (one traffic case)

F I L E D
MAR 0 2 2006
Municipal Court
City of Richardson, Texas
By /s/ _____ Court Clerk

Seal of
Municipal Court
Richardson, Texas

CAUSE NO **A1600108**

THE STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	FOR THE CITY OF RICHARDSON
MARY COLLARD	§	DALLAS COUNTY, TEXAS

EXTENSION AGREEMENT

The Court hereby enters Judgment and Conviction against the Defendant after being found guilty by Jury for the class C Misdemeanor offense of **Fail to Yield Right Of Way-Left Turn** and assess fine and costs in the amount stated below. All fine and costs are to be PAID IN FULL by the due date stated below. By the 31st day after the date Judgment was entered (March 1, 2006), should the Judgment not be paid in full, an additional $25.00 time-payment fee is added to the unpaid Judgment amount as required pursuant to Sec. 51.921, Government Code.

Fine and Cost Assessed	**$ 243.00**
Date Payment Due	**March 11, 2006**

If a payment of $50.00 is made by March 11, 2006, the remaining balance will be set on a three-month payment plan pursuant to Sec. 51.921, Government Coe. If the fine is not paid in full, or should the Defendant fail to pay as ordered by the Court, a Capias Pro Fine WARRANT will be issued for the arrest of the defendant.

A true and correct copy of this Order was served on the Defendant by Richardson Police Department Detention Supervisor by hand delivery.

WITNESS my official signature, this March 2, 2006.

/s/ Kim D Kierce

Court Clerk, Richardson Municipal Court
City of Richardson, Dallas County, Texas

Mary Collard
1615 University Dr
Richardson, Texas 75081
Check your address above and notify the court of changes

Application for Driver Safety Course (the other traffic case)

CAUSE NO **A1600109**

THE STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	FOR THE CITY OF RICHARDSON
MARY L COLLARD	§	DALLAS COUNTY, TEXAS

Application for Driver Safety Course

I, the Defendant in the above-entitled cause, do hereby enter my plea of **No Contest**, waive my right to a jury trial and request Driver Safety Course for dismissal of the Class C Misdemeanor offense of: **Fail to Signal Intent To Change Lanes** / .

[The remainder is not produced. The document is not signed, filestamped or sealed. No such plea was ever entered; waiver of "jury trial" didn't happen.]

Extensions of Time regarding traffic cases

March 14, 2006

MARY LYNN COLLARD
1615 UNIVERSITY DRIVE
RICHARDSON, TX 75081

Re:	State of Texas v	**MARY LYNN COLLARD**
	Ticket No.	**A1600108**
	Violation:	**FAIL TO YIELD RIGHT OF WAY - LEFT TURN**

Please be advised that you have 10 days to file a Motion for New Trial and take action to effect the Judgment entered and proceed with your appeal as it pertains to the this traffic matter.

The Richardson Municipal Court did receive a Motion for New Trial on March 6, 2006 in "Cause No. (multiple, all 100+ of them)". However, it did not specifically reference this traffic matter.

In light of your request in open court to appeal this traffic matter, the deadline for filing your Motion for New Trial in this traffic matter has been extended to March 24, 2006.

If you wish to further pursue this matter through the appellate process, enclosed is information to assist you.

Failure to file said Motion on or before March 24, 2006 will result in your appeal not being perfected and Judgment will become final and payable to the Court.

If you fail to pay the fine as ordered or fail to proceed accordingly with the appellate process, a Capias Pro Fine Warrant of Arrest will be issued for failure to pay the Judgment rendered against you thereby increasing the fine a $50 warrant fee.

If you have any questions regarding this letter, please contact the Richardson Municipal Court at (927) 744-4500.

Sincerely,

/s/ Kim D Kierce
Court Administrator
Richardson Municipal Court

Due Date: **March 24, 2006**

MUNICIPAL COURT
P.O. Box 830978
Richardson, TX
75083-0978
972-744-4500
972-744-5800 Fax

March 14, 2006

MARY LYNN COLLARD
1615 UNIVERSITY DRIVE
RICHARDSON, TX 75081

Re:	State of Texas v	**MARY LYNN COLLARD**
	Ticket No.	**A1600109**
	Violation:	**FAIL TO SIGNAL INTENT TO CHANGE LANES**

Please be advised that you have 10 days to file a Motion for New Trial and take action to effect the Judgment entered and proceed with your appeal as it pertains to the this traffic matter.

The Richardson Municipal Court did receive a Motion for New Trial on March 6, 2006 in "Cause No. (multiple, all 100+ of them)". However, it did not specifically reference this traffic matter.

In light of your request in open court to appeal this traffic matter, the deadline for filing your Motion for New Trial in this traffic matter has been extended to March 24, 2006.

If you wish to further pursue this matter through the appellate process, enclosed is information to assist you.

Failure to file said Motion on or before March 24, 2006 will result in your appeal not being perfected and Judgment will become final and payable to the Court.

If you fail to pay the fine as ordered or fail to proceed accordingly with the appellate process, a Capias Pro Fine Warrant of Arrest will be issued for failure to pay the Judgment rendered against you thereby increasing the fine a $50 warrant fee.

If you have any questions regarding this letter, please contact the Richardson Municipal Court at (927) 744-4500.

Sincerely,

/s/ Kim D Kierce
Court Administrator
Richardson Municipal Court

Due Date: **March 24, 2006**

MUNICIPAL COURT
P.O. Box 830978
Richardson, TX
75083-0978
972-744-4500
972-744-5800 Fax

Rulings of 20 and 21 March 2006

"HOUSING CODE" (101)

March 21, 2006

MARY LYNN COLLARD
1615 UNIVERSITY DRIVE
RICHARDSON, TX 75081

Re:	State of Texas v	**MARY LYNN COLLARD**
	Ticket No.	**See Attachment A**
	Violation:	**Various City Ordinance Violations (See Attachment A)**

Your Motion for New Trial in the above referenced matter was filed in the Richardson Municipal Court on **MARCH 20, 2006.** The Honorable Judge RAYMOND D. NOAH **DENIED** your request for new trial on **MARCH 20, 2006.**

The Judgment amount, fine and costs, was $200 for each of the 101 cases. A total of $20,200.00, fine and costs, is due and payable to the Court within ten (10) days of that date.

Should you wish to further pursue this matter through the appellate process, enclosed is information to assist you.

You must pay the fine or file the appropriate appeal paperwork within ten (10) days of the date of ruling on your Motion for New Trial as specified by law.

If you fail to pay the fine as ordered or fail to proceed accordingly with the appellate process, a Capias Pro Fine Warrant of Arrest will be issued for failure to pay the judgment rendered against you thereby increasing the fine a $50 warrant fee.

If you have any questions regarding this letter, please contact the Richardson Municipal Court at (927) 744-4500.

Sincerely,

/s/ Kim D Kierce
Court Administrator
Richardson Municipal Court

Due Date: **March 30, 2006**

MUNICIPAL COURT
P.O. Box 830978
Richardson, TX
75083-0978
972-744-4500
972-744-5800 Fax

TRAFFIC (ONE)

March 21, 2006

MARY LYNN COLLARD
1615 UNIVERSITY DRIVE
RICHARDSON, TX 75081

Re:	State of Texas v	**MARY LYNN COLLARD**
	Ticket No.	**A1600108**
	Violation:	**FAIL TO YIELD RIGHT OF WAY - LEFT TURN**

Your Motion for New Trial in the above referenced matter was filed in the Richardson Municipal Court on **MARCH 20, 2006.** The Honorable Judge RAYMOND D. NOAH **DENIED** your request for new trial on **MARCH 21, 2006.**

Judgment in the amount of **$243.00** is due and payable to the Court within ten (10) days of that date.

If you wish to further pursue this matter through the appellate process, enclosed is information to assist you.

You must pay the fine or file the appropriate appeal paperwork within ten (10) days of the date of ruling on your Motion for New Trial as specified by law.

If you fail to pay the fine as ordered or fail to proceed accordingly with the appellate process, a Capias Pro Fine Warrant for Arrest will be issued for failure to pay the judgment rendered against you thereby increasing the fine a $50 warrant fee.

If you have any questions regarding this letter, please contact the Richardson Municipal Court at (927) 744-4500.

Sincerely,

/s/ Kim D Kierce
Court Administrator
Richardson Municipal Court

Due Date: **March 31, 2006**

MUNICIPAL COURT
P.O. Box 830978
Richardson, TX
75083-0978
972-744-4500
972-744-5800 Fax

TRAFFIC (THE OTHER)

March 21, 2006

MARY LYNN COLLARD
1615 UNIVERSITY DRIVE
RICHARDSON, TX 75081

Re: State of Texas v **MARY LYNN COLLARD**
Ticket No. **A1600109**
Violation: **FAIL TO SIGNAL INTENT TO CHANGE LANES**

Your Motion for New Trial in the above referenced matter was filed in the Richardson Municipal Court on **MARCH 20, 2006.** The Honorable Judge RAYMOND D. NOAH **DENIED** your request for new trial on **MARCH 21, 2006.**

Judgment in the amount of **$243.00** is due and payable to the Court within ten (10) days of that date.

If you wish to further pursue this matter through the appellate process, enclosed is information to assist you.

You must pay the fine or file the appropriate appeal paperwork within ten (10) days of the date of ruling on your Motion for New Trial as specified by law.

If you fail to pay the fine as ordered or fail to proceed accordingly with the appellate process, a Capias Pro Fine Warrant for Arrest will be issued for failure to pay the judgment rendered against you thereby increasing the fine a $50 warrant fee.

If you have any questions regarding this letter, please contact the Richardson Municipal Court at (927) 744-4500.

Sincerely,

/s/ Kim D Kierce
Court Administrator
Richardson Municipal Court

Due Date: **March 31, 2006**

MUNICIPAL COURT
P.O. Box 830978
Richardson, TX
75083-0978
972-744-4500
972-744-5800 Fax

County Criminal Court of Appeals

(seal)

DALLAS COUNTY
COUNTY CLERK
CYNTHIA FIGUEROA CALHOUN

APRIL 11, 2006

MARY LYNN COLLARD
1615 UNIVERSITY DRIVE
RICHARDSON, TX 75081

DEAR MRS. COLLARD,

I AM FORWARDING ALL THE PAPERWORK CONCERNING YOUR WRIT OF MANDAMUS TO THE FIFTH DISTRICT COURT OF APPEALS. IT WAS SENT TO COUNTY CRIMINAL COURT OF APPEALS NO. 1 IN ERROR. JUDGE WADE HAS NO JURISDICTION OVER THIS CASE.

PLEASE SEND ALL CORRESPONDENCE PERTA[I]NING TO THIS WRIT TO THE ADDRESS BELOW:

5TH DISTRICT COURT OF APPEALS
600 COMMERCE
2ND FLOOR
DALLAS, TX 75207

THANK YOU,

/s/ Tania Robinson
TANIA ROBINSON
CHIEF CLERK
COUNTY CRIMINAL COURT OF APPEALS NO. 1

CC: 5TH DISTRICT COURT OF APPEALS

Frank Crowley Courts Building 133 N. Industrial Blvd.
Dallas, Texas 75207-4313 (214) 653-5700

Court of Appeals

Writ of Mandamus Dismissed, Opinion issued April 25, 2006

(seal)

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-06-00533-CV

IN RE MARY LYNN COLLARD, Relator

Original Proceeding from Municipal Court [19]
of the City of Richardson, Texas
Dallas County, Texas

MEMORANDUM OPINION

Before Justices Morris, Richter, and Mazzant
Opinion By Justice Mazzant

Relator requests the Court issue a writ of mandamus ordering the municipal court [18] and its clerk to accept her $25 transcript payment for the transcript preparation of 103 municipal court cases. This Court does not have jurisdiction over this matter. *See* TEX. GOV'T CODE ANN. § 22.221 (Vernon 2004) (court of appeals has jurisdiction to issue writs of mandamus against district and county court judges, a district judge acting as a magistrate in a court of inquiry, and to enforce its own jurisdiction). Accordingly, we DISMISS this original proceeding for want of jurisdiction. *See* TEX. R. APP. P. 52.8.

/s/ A Mazzant
AMOST L. MAZZANT
JUSTICE

060533F.P05

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[19] "Message" or oversight?

Court of Criminal Appeals

April 19, 2006

Case No. WR-64,490-01
In re COLLARD

Motion for leave to file denied without order.

Northern District of Texas

Case 3:06-cv-00317 *SEALED* Document 4
Filed 02/28/2006 Page 1 of 3

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
FEB 28 2006
CLERK, U.S. DISTRICT COURT
By _____
Deputy

Ctg M ORIGINAL
IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STATE OF TEXAS,	§	
Plaintiff,	§	
v.	§	No. 3:06-CV-317-M
MARY LYNN COLLARD,	§	
Defendant.	§	

ORDER

All federal courts are courts of limited jurisdiction. *In re Bass,* 171 F.3d 1016, 1022 (5th Cir. 1999). For the most part, that jurisdiction derives from statutory grants of the Congress. *Id.* "No authority need be cited for the fact that jurisdiction is always at issue; without it, a court is powerless to act." *Brazoria Cty. v. EEOC,* 391 F.3d 685, 688 (5th Cir.

2004). Defendant attempts to invoke the removal jurisdiction of this Court, which is governed by 28 U.S.C. § 1441(a):

> [A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

The removing party bears the burden of establishing that federal jurisdiction exists. *De Aguilar v. Boeing Co.*, 47 F.3d 1404, 1408 (5th Cir. 1995). Defendant has not established (1) that this is a civil action, or (2) that the district courts of the United States have original jurisdiction over this action. She has not proved that federal jurisdiction exists under § 1441 (a). As a result, the Court REMANDS this case to the proper State court.[20] [12]

SO ORDERED.

February 28, 2006.

/s/ Barbara M. G. Lynn
BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS

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[20] [n.1 in the original] In her Notice of Removal, Collard identifies this court as the Municipal Court of Record, City of Richardson, Dallas County, Texas.

Rule 14.1(i)(iii)—Rehearing, or other extension

Motions for New Trial—Denied

See trial court orders, 14 March and 20/21 March.

Rule 14.1(i)(iv)—Judgment of different date

No judgment of date different from an opinion.

Rule 14.1(i)(v)—Statutes and Rules

The Substantive Case on Appeal—The Conflicting Statutes at Issue

Texas Code of Criminal Procedure

Art. 2.04. [28] [34] [35] Shall draw complaints

Upon ***complaint*** being made before a district or county attorney that an offense has been committed in his district or county, he shall reduce the ***complaint*** to writing and cause the same to be signed and sworn to by the complainant, and it shall be duly attested by said attorney.
TEX. CODE CRIM. PROC. ANN. art. 2.04 (West 2005) ("Art. 2.04") (emphasis added).

Art. 2.05. [29] [35] [36] When complaint is made

If the offense be a misdemeanor, the attorney shall forthwith prepare ***an information based upon such complaint*** and file the same in the court having jurisdiction; provided, that in counties having no county attorney, ***misdemeanor cases may be tried upon complaint alone***, without an information, provided, however, in counties having one or more criminal district courts an information must be filed in each misdemeanor case. ...

Art. 2.05 (West 2005) (emphasis added).

Art. 21.20. [413] [477] [465] "Information"

An "Information" is a written statement ***filed and presented in behalf of the State by the district or county attorney***, charging the defendant with an offense which may by law be so prosecuted.
Art. 21.20 (West 1989 & Supp. 2004-2005) (emphasis added).

Art. 21.21. [414] [478] [466] Requisites of an information [District/County Court]

An ***information*** is sufficient if it has the following requisites:

1. It shall commence, "In the name and by authority of the State of Texas";

2. That it appear to have been presented in a court having jurisdiction of the offense set forth;

3. **That it appear to have been presented by the proper officer;**

4. That it contain the name of the accused, or state that his name is unknown and give a reasonably accurate description of him;

5. It must appear that the place where the offense is charged to have been committed is within the jurisdiction of the court where the information is filed;

6. That the time mentioned be some date anterior to the filing of the information, and that the offense does not appear to be barred by limitation;

7. That the offense be set forth in plain and intelligible words;

8. That it conclude, "Against the peace and dignity of the State"; and

9. It must be signed by the district or county attorney, officially.

Art. 21.21 (West 1989 & Supp. 2004-2005) (emphasis added).

Art. 21.22. [415] [479] [467] Information based upon complaint [District/County Court]

No information shall be presented until ***affidavit*** has been made by some credible person charging the defendant with an offense. The ***affidavit*** shall be filed ***with the information.*** It may be sworn to before the district or county attorney who, for that purpose, shall have power to administer the oath, or it may be made before any officer authorized by law to administer oaths. Art. 21.22 (West 1989 & Supp. 2004-2005) (emphasis added).

Art. 27.01. [504] [568] [557] Indictment or information

The primary **pleading** in a criminal action on the part of the State is the indictment or ***information***. Art. 27.01 (West 1989 & Supp. 2004-2005) (emphasis added).

Art. 45.018. Complaint [Municipal Court]

(a) For purposes of this chapter, a ***complaint*** is a sworn allegation charging the accused with the commission of an offense.

(b) ***A defendant is entitled to notice of a complaint against the defendant not later than the day before the date of any proceeding*** in the prosecution of the defendant under the ***complaint***. The defendant may waive the right to notice granted by this subsection.

Art. 45.018 (West Supp. 2004-2005) (emphasis added) (if read literally, this purports to dispense altogether with

both filing and serving a competent **pleading**).

Art. 45.019. [883] [973] [938] Requisites Of Complaint [Municipal Court]

(a) *A **complaint** is sufficient, **without regard to its form**,* if it substantially satisfies the following requisites:

(1) it must be in writing;

(2) it must commence "In the name and by the authority of the State of Texas";

(3) it must state the name of the accused, if known, or if unknown, must include a reasonably definite description of the accused;

(4) it must show that the accused has committed an offense against the law of this state, or state that the affiant has good reason to believe and does believe that the accused has committed an offense against the law of this state;

(5) it must state the date the offense was committed as definitely as the affiant is able to provide;

(6) it must bear the signature or mark of the affiant; and

(7) it must conclude with the words "Against the peace and dignity of the State" and, if the offense charged is an offense only under a municipal ordinance, it may also conclude with the words "Contrary to the said ordinance".

(b) A complaint filed in justice court must allege that the offense was committed in the county in which the complaint is made.

(c) A complaint filed in municipal court must allege that the offense was committed in the territorial limits of the municipality in which the complaint is made.

(d) A complaint may be sworn to before any officer

authorized to administer oaths.

(e) A complaint in municipal court may be sworn to before:

(1) the municipal judge;

(2) the clerk of the court or a deputy clerk;

(3) the city secretary; or

(4) the city attorney or a deputy city attorney.

(f) If the defendant does not object to ***a defect, error, or irregularity of form or substance*** in a charging instrument before the date on which the trial on the merits commences, the defendant waives and forfeits the right to object to the defect, error, or irregularity. Nothing in this article prohibits a trial court from requiring that an objection to a charging instrument be made at an earlier time.

Art 45.019 (West Supp. 2004-2005). *But cf.* Art. 21.21 (attorney signature required).

Art. 45.0215. Plea by Minor and Appearance of Parent

(a) If a defendant is younger than 17 years of age and has not had the disabilities of minority removed, the judge or justice:

(1) must take the defendant's plea in open court; and

(2) shall issue a summons to compel the defendant's parent, guardian, or managing conservator to be present during:

(A) the taking of the defendant's plea; ***and***

(B) ***all other proceedings*** relating to the case.

Art. 45.0215(a) (West Supp. 2004-2005) (emphasis added) (not directly applicable, here, but this clearly illustrates

and confirms the fact that the "arraignment" is a "proceeding" for purposes of Art. 45.018(b)).

Art. 45.201. [869] Municipal Prosecutions

(a) All prosecutions in a municipal court shall be conducted by the city attorney of the municipality or by a deputy city attorney.
Art. 45.201 (West Supp. 2004-2005).

Question 1—The Threshold Jurisdictional Issue

Municipal Court of Record
Trial/original jurisdiction

SECTION 30.0005. JURISDICTION.

(a) A municipal court of record has the jurisdiction provided by general law for municipal courts.

(b) The court has jurisdiction over criminal cases arising under ordinances authorized by Sections 215.072, 217.042, 341.903, and 401.002, Local Government Code.

(c) The governing body ***may*** by ordinance provide that the court has concurrent jurisdiction with a ***justice court*** in any precinct in which the municipality is located in ***criminal*** cases that arise within the territorial limits of the municipality and are punishable only by fine.

(d) The governing body of a municipality by ordinance ***may*** provide that the court has:

(1) ***civil*** jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Local Government Code, or Subchapter E, Chapter 683, Transportation Code;

(2) concurrent jurisdiction with a ***district*** court or a ***county court at law*** under Subchapter B, Chapter 54, Local Government Code, within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction

for the purpose of enforcing health and safety and nuisance abatement ordinances; and

(3) authority to issue:

(A) search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and

(B) seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

TEX. GOV'T CODE ANN. § 30.00005 (West 2004) (emphasis added) ("GOV'T CODE").

SECTION 29.003. JURISDICTION.

(a) A municipal court, including a municipal court of record, shall have exclusive original jurisdiction within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction in all ***criminal*** cases that:

(1) arise under:

(A) the ordinances of the municipality; or

(B) a resolution, rule, or order of a joint board operating an airport under Section 22.074, Transportation Code; and

(2) are punishable by a fine not to exceed:

(A) $2,000 in all cases arising under municipal ordinances or resolutions, rules, or orders of a joint board that govern fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(B) $500 in all other cases arising under a municipal ordinance or a resolution, rule, or order of a joint board.

(b) The municipal court has concurrent jurisdiction with the ***justice*** court of a precinct in which the municipality is located in all ***criminal*** cases arising under state law that arise within the municipality's territorial limits or property owned by the municipality located in the municipality's extraterritorial jurisdiction and that:

(1) are punishable only by a fine, as defined in Subsection (c); or

(2) arise under Chapter 106, Alcoholic Beverage Code, and do not include confinement as an authorized sanction.

(c) In this section, an offense which is punishable by "fine only" is defined as an offense that is punishable by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.

(d) The fact that a conviction in a municipal court has as a consequence the imposition of a penalty or sanction by an agency or entity other than the court, such as a denial, suspension, or revocation of a privilege, does not affect the original jurisdiction of the municipal court.

(e) The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in ***criminal*** cases of which the court has jurisdiction.

(f) This section does not affect the powers given exclusively to a joint board operating an airport under Section 22.074(d), Transportation Code.
GOV'T CODE § 29.003 (West 2004).

SEC. 2-180. MUNICIPAL COURT OF RECORD CREATED AND DESIGNATED; JURISDICTION.

(a) In accordance with Chapter 30, subchapter KK of the Texas Government Code there is hereby created a municipal court of record to be designated as Municipal Court of Record No. 1.

(b) Municipal Court of Record No. 1 and any municipal court of record subsequently established hereunder shall exercise that jurisdiction which is conferred upon all ***municipal courts and municipal courts of record*** by Chapter 30 of the Texas Government Code, Section 4.14, Texas Code of Criminal Procedure, and other state law.

(c) A municipal court of record created under this article has no term and may sit at any time for the

transaction of business of the court.
Muni. Code, City of Richardson, art. VIII, § 2-180 (Ord. No. 3238-A, § 1, 8-9-99) (emphasis added) (nothing here about district or county court concurrent jurisdiction).

SEC. 2-182. POWERS AND DUTIES OF MUNICIPAL JUDGES.

(j) The presiding judge and any assistant municipal judge may grant writs of ***mandamus***, attachment, or other writs necessary to the enforcement of a jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court. A municipal judge is a magistrate and may issue administrative search warrants.
Muni. Code, City of Richardson, art. VIII, § 2-182(j) (Ord. No. 3238-A, § 1, 8-9-99) (emphasis added).

SEC. 2-186. COMPLAINT; PLEADING.

(a) A proceeding in a municipal court of record commences with the filing of a complaint. A complaint must begin "In the name and by the authority of the State of Texas" and must conclude "Against the peace and dignity of the State."

(b) Complaints must comply with Article 45.17 Code of Criminal Procedure, as amended.

(c) Pleadings must be in writing and must be filed with the clerk.
Muni. Code, City of Richardson, art. VIII, § 2-186 (Ord. No. 3238-A, § 1, 8-9-99).

Appeal to which court?

SECTION 30.00002. DEFINITIONS.

(1) "Appellate court" means:

(A) the county criminal court, the county criminal court of appeals, or the municipal court of appeals; or

(B) the county court at law if there is no county criminal court, county criminal court of appeals, or municipal court of appeals.

GOV'T CODE § 30.00002(1).

SECTION 30.01401. APPLICATION; DEFINITION.

(b) In this subchapter, "appellate courts" means the county criminal courts of Dallas County that have criminal appellate jurisdiction.

GOV'T CODE § 30.01401(b).

SEC. 2-189. APPEAL.

(a) A defendant has the right of appeal from a judgment of conviction in a municipal court of record. The state has the right to an appeal as provided by Article 44.01, Code of Criminal Procedure. The County Criminal Courts of Appeal of Dallas County have jurisdiction of appeals from the municipal court of record.

Muni. Code, City of Richardson, art. VIII, § 2-189(a)) (Ord. No. 3238-A, § 1, 8-9-99).

County Criminal Court of Appeals of Dallas County

Created. GOV'T CODE § 25.0591(c).

Section 25.0594. Dallas County Criminal Court of Appeals Provisions.

(a) A ***county criminal court of appeals*** in Dallas County has:

(1) sole jurisdiction in the county of all appeals from criminal convictions for violation of state law or municipal ordinances of municipalities located in the county in justice courts, municipal courts, or municipal courts of record in the county; and

(2) concurrent criminal original and appellate jurisdiction in the county as provided by the constitution and by law for county courts.

GOV'T CODE § 25.0594(a) (emphasis added).

(f) A ***county criminal court of appeals*** or its judge may issue writs of habeas corpus and grant injunctions

for the enforcement of the penal laws in cases in which the offense charged is within the jurisdiction of the court or any court or tribunal of inferior jurisdiction. The court or its judge may punish for contempt as prescribed by general law.
Id. at § 25.0594(f) (emphasis added).

(n) Sections 25.0003(a) and (c) do not apply to a county criminal court of appeals in Dallas County.
Id. at § 25.0594(n). *Cf.* § 25.0004 (enforcement of the jurisdiction of the court). *See* County Court at Law, and District Court, *infra*.

County Court at Law

Section 25.0003. Jurisdiction.

(a) A ***statutory county court*** has jurisdiction over all causes and proceedings, civil and criminal, original and appellate, prescribed by law for county courts.

(c) In addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has ***concurrent jurisdiction with the district court*** in:

(1) civil cases in which the matter in controversy exceeds $500 but does not exceed $100,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and

(2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy.
GOV'T CODE § 25.0003(a), (c) (emphasis added).

Section 25.0004. Powers and Duties.

(a) A ***statutory county court*** or its judge may issue writs of injunction, ***mandamus***, sequestration, attachment, garnishment, certiorari, supersedeas, and ***all writs necessary for the enforcement of the jurisdiction of the court.*** It may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court or any court of inferior jurisdiction in the county.
GOV'T CODE § 25.0004 (emphasis added).

Created for Dallas County. GOV'T CODE § 25.0591(a), (b).

Section 25.0594. Dallas County Court at Law Provisions.

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a ***county court at law*** in Dallas County has concurrent jurisdiction with the district court in civil cases regardless of the amount in controversy.
GOV'T CODE § 25.0592(a) (emphasis added).

County Criminal Court

Section 25.0593. Dallas County Criminal Court Provisions.

(a) A ***county criminal court*** in Dallas County has the criminal jurisdiction, original and appellate, provided by the constitution and law for county courts and concurrent jurisdiction with county courts at law for Dallas County to hear appeals of the suspension of driver's licenses and original proceedings regarding occupational driver's licenses.
GOV'T CODE § 25.0593(a) (emphasis added).

(e) A ***county criminal court*** or its judge may issue writs of habeas corpus and grant injunctions for the enforcement of the penal laws in cases in which the

offense charged is within the jurisdiction of the court or any court or tribunal of inferior jurisdiction. A county criminal court or its judge may punish for contempt as prescribed by general law.
GOV'T CODE § 25.0593(e) (emphasis added).

District Court

Section 24.011. Writ Power.

A judge of a ***district court*** may, either in termtime or vacation, grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari, and supersedeas and ***all other writs necessary to the enforcement of the court's jurisdiction***.
GOV'T CODE § 24.011 (emphasis added).

Section 30.00014. Appeal.

(a) A defendant has the right of appeal from a judgment or conviction in a municipal court of record. The state has the right to appeal as provided by Article 44.01, Code of Criminal Procedure. The ***county*** criminal courts or ***county*** criminal courts of appeal in the county in which the municipality is located or the municipal courts of appeal have jurisdiction of appeals from a municipal court of record. If there is no ***county*** criminal court, ***county*** criminal court of appeal, or municipal court of appeal, the ***county*** courts at law have jurisdiction of an appeal.
GOV'T CODE § 30.00014(a) (no ***district*** court is even contemplated in this appellate process) (emphasis added). *Cf.* GOV'T CODE § 30.00002(1).

Criminal District Court

See GOV'T CODE §§ 24.901-24.907.

Court of Appeals

Section 22.221. Writ Power.

(a) Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and ***all other writs necessary to enforce the jurisdiction of the court.***

(b) Each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a:

(1) judge of a district or county court in the court of appeals district; or

(2) judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure, in the court of appeals district.

GOV'T CODE § 22.221(a), (b) (emphasis added).

Court of Criminal Appeals

Tex. Const. art. V, § 5.

(a) The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the limits of the state, and its determinations shall be final, ***in all criminal cases of whatever grade***, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law.

(c) Subject to such regulations as may be prescribed by law, the Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and, ***in criminal law matters***, the writs of mandamus, procedendo, prohibition, and certiorari. The Court and the Judges thereof shall have the power to issue such other writs as may be necessary to protect its jurisdiction or enforce its judgments.

TEX. CONST. art. V, § 5(a), (c) (emphasis added).

Section 21.001. Inherent Power and Duty of Courts.

(a) A court has ***all powers necessary for the exercise of its jurisdiction*** and the enforcement of its lawful orders, including authority to issue the writs and orders necessary or proper in aid of its jurisdiction.
GOV'T CODE § 21.001(a) (emphasis added).

Supreme Court of Texas

Section 22.001. Jurisdiction.

(a) The supreme court has appellate jurisdiction, except in criminal law matters, coextensive with the limits of the state and extending to all questions of law arising in the following cases when they have been brought to the courts of appeals from appealable judgment of the trial courts:

(1) a case in which the justices of a court of appeals disagree on a question of law material to the decision;

(2) a case in which one of the courts of appeals holds differently from a prior decision of another court of appeals or of the supreme court on a question of law material to a decision of the case;

(3) a case involving the construction or validity of a statute necessary to a determination of the case;

(4) a case involving state revenue;

(5) a case in which the railroad commission is a party; and

(6) any other case in which it appears that an error of law has been committed by the court of appeals, and that error is of such importance to the jurisprudence of the state that, in the opinion of the supreme court, it requires correction, but excluding those cases in which the jurisdiction of the court of appeals is made final by statute.
GOV'T CODE § 22.001(a).

Section 22.002. Writ Power.

(a) The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a statutory ***county*** court judge, a statutory ***probate*** court judge, a ***district*** judge, a ***court of appeals*** or a justice of a court of appeals, or any officer of state government except the governor, the ***court of criminal appeals***, or a judge of the court of criminal appeals.
GOV'T CODE § 22.002(a) (municipal court (of record) is not listed) (emphasis added).

Question 2—The Transcript Fee

Sec. 2-189. Appeal.

(b) The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the appellant's motion for new trial and that are presented in ***the transcript*** and statement of facts ***prepared from the proceedings leading to the conviction***. An appeal from the municipal court of record shall not be by trial de novo.

(d) After an order overruling a motion for new trial, the defendant shall give written notice of appeal and pay a transcript preparation fee of $25.00, in addition to any fees, costs or charges imposed by the court reporter for the preparation of the statement of facts. The clerk shall note the payment of the transcript preparation fee on the docket of the court. If the case is reversed on appeal, the transcript preparation fee shall be refunded to the defendant.

Muni. Code, City of Richardson, art. VIII, § 2-189 (Ord. No. 3238-A, § 1, 8-9-99) (emphasis added).

Sec. 2-190. Appeal bond; record on appeal.

(c) The record on appeal consists of a transcript prepared by the court clerk in accordance with section 2-191 and, if necessary to the appeal, a statement of facts consisting of the transcription of the recorded proceedings prepared in accordance with section 2-192.

Muni. Code, City of Richardson, art. VIII, § 2-190 (Ord. No. 3238-A, § 1, 8-9-99) (emphasis added).

Sec. 2-191. Transcript of court's file.

(a) The clerk shall prepare under his or her hand and the seal of the court ***a transcript of the proceedings*** in the municipal court of record after payment of the transcript preparation fee required by section 2-189. The clerk shall prepare ***the transcript*** under written instructions from the appellant or the appellant's attorney, and unless otherwise agreed by the parties in writing, the transcript must include a copy of:

(1) The complaint;

(2) The court's docket sheet;

(3) Court orders on any motions or exceptions;

(4) The court's charge and jury verdict;

(5) The judgment;

(6) The defendant's special pleas or defenses that were overruled;

(7) The motion for new trial and the order of the court on the motion;

(8) The notice of appeal;

(9) Any statement of the parties regarding material to be included in the record;

(10) The appeal bond; and

(11) Any paper or filing designated as material by either party.

Muni. Code, City of Richardson, art. VIII, § 2-191 (Ord. No. 3238-A, § 1, 8-9-99) (emphasis added).

Sec. 2-192. Statement of facts.

(a) ***A statement of facts*** included in the record on appeal must contain ***a transcription of all or any part of the municipal court of record proceedings in the case as recorded on the electronic recording device*** or shown by the notes of the court reporter recorded or taken before, during, or after the trial, if ***the transcription*** is requested by a party, a party's attorney, or the judge. This may include the ***sworn testimony presented at trial,*** the ***court's proceedings on motions,*** voir dire, opening and closing statements, ***and any other proceedings occurring in open court. The statement of facts*** shall also include any ***exhibits*** admitted into evidence and any offers of proof submitted to preserve the record for appeal. ***The statement of facts*** included in ***the record on appeal*** may also contain or consist of a written statement of the facts of the case proven at the trial as agreed to by the defendant or the defendant's attorney and the prosecuting attorney.

(b) The court reporter shall prepare ***the statement of facts*** and transcribe in duplicate any portion of the recorded proceedings or the notes of the ***court proceedings*** in the case at the request of either party or the municipal judge. The appellant shall pay for ***the transcription*** and shall request and remit payment for the preparation of ***the statement of facts*** directly to the court reporter. If the appellant is the defendant and the court finds, after hearing in response to an affidavit by the defendant, that the defendant is unable to pay or give security for ***the transcription***, on certification by the court that the court reporter has rendered the service without charge to the defendant, the court reporter shall be paid for the services by the city. Otherwise, if the appellant is the defendant and the case is reversed on appeal, the court shall promptly refund the cost to the defendant.

Muni. Code, City of Richardson, art. VIII, § 2-192 (Ord. No. 3238-A, § 1, 8-9-99) (emphasis added).

Question 3—The Transcript for Bond appeal

Sec. 2-193. Transfer of record.

The ***appellant*** must file ***the transcript*** and ***the statement of facts*** with the clerk of the municipal court of record ***not later than 60 days after the date on which the notice of appeal was filed.*** Upon approval of ***the record*** by the judge, the clerk shall promptly forward them to the appellate court clerk.
Muni. Code, City of Richardson, art. VIII, § 2-193 (Ord. No. 3238-A, § 1, 8-9-99) (emphasis added).

Section 30.00020. Transfer of Record.

(a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the municipal clerk:

(1) the reporter's record;

(2) a written description of material to be included in the clerk's record in addition to the required material; and

(3) any material to be included in the clerk's record that is not in the custody of the clerk.

(b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion, approval, and notification in the court of appeals.

(c) After the court approves the record, the clerk shall promptly send the record to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed.
GOV'T CODE § 30.00020.

TEX. R. APP. P. 31.1.

RULE 31. APPEALS IN HABEAS CORPUS, BAIL, AND EXTRADITION ON PROCEEDINGS IN CRIMINAL CASES

31.1 Filing the Record; Submission. When written notice of appeal from a judgment or order in a habeas corpus or bail proceeding is filed, the trial court clerk must prepare and certify ***the clerk's record*** and, if the appellant requests, the court reporter must prepare and certify ***a reporter's record***. The clerk must send ***the clerk's record*** and the court reporter must send ***the reporter's record*** to the appellate court ***within 15 days after the notice of appeal is filed.*** On reasonable explanation, the appellate court may shorten or extend the time to file the record. When the appellate court receives the record, the court will—if it desires briefs—set the time for filing briefs, and will set the appeal for submission.

TEX. R. APP. P. 31.1 (emphasis added). *Cf.* TEX. R. APP. P. 24, 24.2.

Section 30.00021. Brief on Appeal.

(a) An appellant's brief on appeal from a municipal court of record must present points of error in the manner required by law for a brief on appeal to the court of appeals.

(b) The appellant must file the brief with the appellate court clerk not later than the 15th day after the date on which the clerk's record and reporter's record are filed with that clerk. The appellant or the appellant's attorney must certify that the brief has been properly mailed to the appellee.

(c) The appellee must file the appellee's brief with the appellate court clerk not later than the 15th day after the date on which the appellant's brief is filed.

(d) Each party, on filing the party's brief with the

appellate court clerk, shall deliver a copy of the brief to the opposing party and to the municipal judge.

(e) The record and the briefs on appeal shall be limited as far as possible to the questions relied on for reversal. GOV'T CODE § 30.00021.

Section 30.00022. New Trial.

The trial court shall decide from the briefs of the parties whether the appellant should be permitted to withdraw the notice of appeal and be granted a new trial by the court. The court may grant a new trial at any time before the record is filed with the appellate court. GOV'T CODE § 30.00021.

Rule 14.1(i)(vi)—Additional Essential Materials

Case Nos. for the 103 complaints

	Case No.	Descr.	Date Filed	Ticket Date
	A1600108	Traffic	2006 Feb 17	2006 Feb 13
	A1600109	Traffic	2006 Feb 17	2006 Feb 13
1	N101355A	Paint, Ext.	2004 Feb 28	2004 Jan 26
2	N101355B	Fence Mntnc	2004 Feb 27	2004 Jan 26
3	N101662	Paint, Ext.	2004 Apr 7	2004 Mar 18
4	N101674	Paint, Ext.	2004 Mar 31	2004 Mar 22
5	N101779	Paint, Ext.	2004 Mar 31	2004 Mar 24
6	N101790	Paint, Ext.	2004 Apr 13	2004 Mar 30
7	N101793	Paint, Ext.	2004 Apr 19	2004 Apr 8
8	N101799	Paint, Ext.	2004 May 21	2004 May 10
9	N102324	Paint, Ext.	2004 Jun 22	2004 Jun 8
10	N102325	Paint, Ext.	2004 Jun 30	2004 Jun 23
11	N102327A	Paint, Ext.	2004 Jul 15	2004 Jul 7
12	N102327B	Storage	2004 Jul 15	2004 Jul 7
13	N102329A	Paint, Ext.	2004 Aug 5	2004 Jul 21
14	N102329B	Storage	2004 Aug 5	2004 Jul 21
15	N102928A	Paint, Ext.	2005 Feb 24	2005 Feb 17
16	N102928B	Fence Mntnc	2005 Feb 24	2005 Feb 17
17	N102928C	Fence Cnstr	2005 Mar 8	2005 Feb 17
18	N102932A	Paint, Ext.	2005 Mar 8	2005 Feb 21
19	N102932B	Fence Mntnc	2005 Mar 8	2005 Feb 21
20	N102932C	Fence Cnstr	2005 Mar 8	2005 Feb 21
21	N102933A	Paint, Ext.	2005 Mar 8	2005 Feb 22
22	N102933B	Fence Mntnc	2005 Mar 8	2005 Feb 22
23	N102933C	Fence Cnstr	2005 Mar 8	2005 Feb 22
24	N102941A	Paint, Ext.	2005 Mar 8	2005 Feb 24
25	N102941B	Fence Mntnc	2005 Mar 8	2005 Feb 24
26	N102941C	Fence Cnstr	2005 Mar 8	2005 Feb 24
27	N102943A	Paint, Ext.	2005 Mar 9	2005 Feb 28
28	N102943B	Fence Mntnc	2005 Mar 9	2005 Feb 28
29	N102943C	Fence Cnstr	2005 Mar 9	2005 Feb 28

	Case No.	Descr.	Date Filed	Ticket Date
30	N102948A	Paint, Ext.	2005 Mar 11	2005 Mar 2
31	N102948B	Fence Mntnc	2005 Mar 11	2005 Mar 2
32	N102948C	Fence Cnstr	2005 Mar 11	2005 Mar 2
33	N102950A	Paint, Ext.	2005 Mar 11	2005 Mar 3
34	N102950B	Fence Mntnc	2005 Mar 11	2005 Mar 3
35	N102950C	Fence Cnstr	2005 Mar 11	2005 Mar 3
36	N102952A	Paint, Ext.	2005 Mar 18	2005 Mar 7
37	N102952B	Fence Mntnc	2005 Mar 18	2005 Mar 7
38	N102952C	Fence Cnstr	2005 Mar 18	2005 Mar 7
39	N102958A	Paint, Ext.	2005 Mar 18	2005 Mar 9
40	N102958B	Fence Mntnc	2005 Mar 18	2005 Mar 9
41	N102958C	Fence Cnstr	2005 Mar 18	2005 Mar 9
42	N102960A	Paint, Ext.	2005 Mar 18	2005 Mar 10
43	N102960B	Fence Mntnc	2005 Mar 18	2005 Mar 10
44	N102960C	Fence Cnstr	2005 Mar 18	2005 Mar 10
45	N102962A	Paint, Ext.	2005 Mar 25	2005 Mar 14
46	N102962B	Fence Mntnc	2005 Mar 25	2005 Mar 14
47	N102962C	Fence Cnstr	2005 Mar 25	2005 Mar 14
48	N102963A	Paint, Ext.	2005 Mar 25	2005 Mar 15
49	N102963B	Fence Mntnc	2005 Mar 25	2005 Mar 15
50	N102963C	Fence Cnstr	2005 Mar 25	2005 Mar 15
51	N103050	Paint, Ext.	2004 Oct 21	2004 Oct 13
52	N103064A	Paint, Ext.	2004 Nov 11	2004 Oct 28
53	N103064B	Storage	2004 Nov 11	2004 Oct 28
54	N103066A	Paint, Ext.	2005 Jan 4	2004 Dec 28
55	N103066B	Storage	2005 Jan 4	2004 Dec 28
56	N103067A	Paint, Ext.	2005 Jan 7	2005 Dec 29
57	N103067B	Storage	2005 Jan 7	2005 Dec 29
58	N103068A	Paint, Ext.	2005 Jan 11	2005 Jan 4
59	N103068B	Storage	2005 Jan 11	2005 Jan 4
60	N103069	Paint, Ext.	2005 Jan 11	2005 Jan 4
61	N103070A	Paint, Ext.	2005 Jan 14	2005 Jan 6
62	N103070B	Storage	2005 Jan 14	2005 Jan 6
63	N103071A	Paint, Ext.	2005 Jan 14	2005 Jan 7
64	N103071B	Storage	2005 Jan 14	2005 Jan 7

	Case No.	Descr.	Date Filed	Ticket Date
65	N103073A	Paint, Ext.	2005 Jan 17	2005 Jan 10
66	N103073B	Storage	2005 Jan 17	2005 Jan 10
67	N103074A	Paint, Ext.	2005 Jan 17	2005 Jan 11
68	N103074B	Storage	2005 Jan 17	2005 Jan 11
69	N103075A	Paint, Ext.	2005 Jan 17	2005 Jan 12
70	N103075B	Storage	2005 Jan 17	2005 Jan 12
71	N103076A	Paint, Ext.	2005 Jan 21	2005 Jan 14
72	N103076B	Storage	2005 Jan 21	2005 Jan 14
73	N103077A	Paint, Ext.	2005 Jan 21	2005 Jan 17
74	N103077B	Storage	2005 Jan 21	2005 Jan 17
75	N103078A	Paint, Ext.	2005 Jan 31	2005 Jan 19
76	N103078B	Storage	2005 Jan 31	2005 Jan 19
77	N103079A	Paint, Ext.	2005 Jan 31	2005 Jan 21
78	N103079B	Storage	2005 Jan 31	2005 Jan 21
79	N103080A	Paint, Ext.	2005 Jan 31	2005 Jan 24
80	N103080B	Storage	2005 Jan 31	2005 Jan 24
81	N103082A	Paint, Ext.	2005 Feb 3	2005 Jan 25
82	N103082B	Storage	2005 Feb 3	2005 Jan 25
83	N103086A	Paint, Ext.	2005 Feb 15	2005 Feb 2
84	N103086B	Storage	2005 Feb 15	2005 Feb 2
85	N103087A	Paint, Ext.	2005 Feb 22	2005 Feb 9
86	N103087B	Storage	2005 Feb 22	2005 Feb 9
87	N103087C	Fence Mntnc	2005 Feb 22	2005 Feb 9
88	N103087D	Wood, Ext.	2005 Feb 22	2005 Feb 9
89	N103089A	Paint, Ext.	2005 Feb 22	2005 Feb 11
90	N103089B	Storage	2005 Feb 22	2005 Feb 11
91	N103089C	Fence Mntnc	2005 Feb 22	2005 Feb 11
92	N103089D	Wood, Ext.	2005 Feb 22	2005 Feb 11
93	N103091A	Paint, Ext.	2005 Mar 11	2005 Feb 14
94	N103091B	Fence Mntnc	2005 Mar 11	2005 Feb 14
95	N103091C	Fence Cnstr	2005 Mar 11	2005 Feb 14
96	N103092A	Paint, Ext.	2005 Feb 24	2005 Feb 15
97	N103092B	Fence Mntnc	2005 Feb 24	2005 Feb 15
98	N103092C	Fence Cnstr	2005 Mar 8	2005 Feb 15
99	N103093A	Paint, Ext.	2005 Feb 24	2005 Feb 16

	Case No.	Descr.	Date Filed	Ticket Date
100	N103093B	Fence Mntnc	**2005** Feb 24	**2005** Feb 16
101	N103093C	Fence Cnstr	**2005** Mar 8	**2005** Feb 16

Notes:

- No "complaint" is signed by any attorney or accompanied by a **pleading** signed by any attorney.
- "Notice," in writing, of the existence of each "complaint" was given on 20 February 2006.
- Actual delivery of each "complaint" was just before trial on 1 March 2006.
- The number sequence is not also the date sequence. By date, the general sequence is typically N101xxx, N103xxx, N102xxx.
- "Housing Code" Description categories (no. of cases):
  - Paint, Ext.—Failure to Maintain Building—Exterior Protective Coat (46)
  - Wood, Ext.—Failure to Maintain Building—Wood Exterior (2)
  - Fence Mntnc—Failure to Maintain Fence (18)
  - Fence Cnstr—Fence Construction Without a Permit (15)
  - Storage—Open Storage (20)
- **N103079B**, number **78**, a Storage case, does not seem to have been included in any of the "Attachment A's" for this matter.
- The "Attachment A" of 2 March 2006 included neither of the traffic matters nor N103079B. Thus, trying to slip (another) one by Collard, the label, "Attachment A" has stayed the same, but the substance within those various documents has changed.